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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 OAKLAND DIVISION

11 UNITED STATES OF AMERICA, ) No. CR-09-00775 SBA  
12 Plaintiff, )  
13 v. ) ORDER GRANTING STIPULATED  
14 JUAN OCTAVIANO LOPEZ, ) REQUEST TO CONTINUE HEARING  
15 aka Juan Octavio Lopez Ortiz, ) DATE TO MARCH 6, 2012 AND TO  
16 aka Juan Lopez Gomez, ) EXCLUDE TIME UNDER THE SPEEDY  
17 aka Manuel Vargas, and ) TRIAL ACT  
18 GLENDY GOMEZ, )  
19 aka Glendy Elizabeth Gomez, )  
20 Defendants. )

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22 The parties jointly requested that the hearing in this matter be continued from February 7,  
23 2012 to March 6, 2012 at 10:00 a.m., and that time be excluded under the Speedy Trial Act  
24 between February 7, 2012 and March 6, 2012.

25 The requested continuance will provide defendants' counsel with additional time to  
26 evaluate the evidence in this case and determine whether or not defendants should enter a change  
27 of plea or file motions and to prepare for trial in this matter. Specifically, new counsel was  
28 recently appointed for defendant Lopez after his prior counsel withdrew. New counsel needs the  
continuance in order to review the discovery and the evidence, evaluate the plea agreement in  
light of the discovery and the evidence, and to meet and confer with his client to discuss the  
discovery and the evidence and to determine whether or not to prepare and file motions in this

STIP. REQ. TO CONTINUE HEARING TO MARCH 6, 2012 AND TO EXCLUDE TIME  
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1 case and/or to proceed to trial. Counsel for defendants Lopez and Gomez have scheduling  
2 conflicts deriving from other cases between the date of this stipulation and March 6, 2012.

3 Additionally, new lead counsel for the United States has taken over the prosecution of  
4 this matter. The requested continuance will allow new counsel for the United States time to  
5 evaluate the evidence in this case, as well as mitigating information provided by counsel for  
6 defendant Gomez. Although not relevant for purposes of the requested time exclusion, the  
7 parties hope to reach plea agreements before March 6, 2012. The parties agreed that the  
8 extension is not sought for delay. The parties further agreed the ends of justice served by  
9 granting the continuance outweigh the best interests of the public and the defendant in a speedy  
10 trial.

11 For these stated reasons, the Court finds that the ends of justice served by granting the  
12 continuance outweigh the best interests of the public and the defendant in a speedy trial. Good  
13 cause appearing therefor, and pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv),

14 **IT IS HEREBY ORDERED** that the hearing in this matter is continued from February  
15 7, 2012 to March 6, 2012 at 10:00 a.m. before this Court, and that time between February 7,  
16 2012 and March 6, 2012 is excluded under the Speedy Trial Act to allow for the effective  
17 preparation of defense counsel, taking into account the exercise of due diligence.

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19 DATED: 2/6/12

  
HON. SAUNDRA BROWN ARMSTRONG  
United States District Court Judge